

IMPLEMENTATION TEAM MEETING NOTES

November 1, 2001, 9 p.m.-4 p.m.

NATIONAL MARINE FISHERIES SERVICE OFFICES PORTLAND, OREGON

I. Greetings, Introductions and Review of the Agenda.

The November 1, 2001 Implementation Team meeting, held at the National Marine Fisheries Service's offices in Portland, Oregon, was chaired by Jim Ruff of NMFS and facilitated by Donna Silverberg.

The following is a distillation (not a verbatim transcript) of items discussed during the call, together with actions taken on those items. Please note that some enclosures referenced in the body of the text may be too lengthy to attach; all enclosures referenced are available upon request from NMFS's Kathy Ceballos at 503/230-5420 or via email at kathy.ceballos@noaa.gov

2. Updates.

A. In-Season Management (TMT). Cathy Hlebechuk distributed a handout summarizing the current operations, as well as the outcome of yesterday's TMT year-end review meeting. She noted that the current Dworshak elevation is 1516.55 feet, the project has stored 7/10 of a foot over the past week, and has finally stopped drafting. To achieve a 75% refill confidence at that project, Dworshak needs to be at elevation 1558 feet by December 31, said Hlebechuk; according to the most recent SSARR run, it is unlikely that Dworshak elevation will exceed 1525 feet by that date.

Current Libby elevation is 2426 feet; the project continues to release 6 Kcfs, Hlebechuk continued. The December 31 Upper Rule Curve target elevation at Libby is 2411 feet. At Albeni Falls, the current elevation is 2054 feet; the project is releasing 17 Kcfs and targeting elevation 2051 by about November 15. Grand Coulee elevation was 1285.9 feet as of midnight October 30; the project

has released an average of 61 Kcfs over the past week. No redds have been found in Vernita Bar so far this fall. Hungry Horse elevation was 3528 feet as of midnight, October 30; the project is being operated to maintain the 3.26 Kcfs Columbia Falls minimum flow.

The hottest topic at the last two TMT meetings has been the chum operation, Hlebechuk said; specifically, when it should begin. To date, no redds have been found in the Ives/Pierce Island area. The State of Oregon and the U.S. Fish and Wildlife Service have submitted an SOR which requests that a 12-foot tailwater depth be maintained at Bonneville Dam beginning November 5. The action agencies have responded with their own memo stating their position on the initiation of chum spawning and incubation flows. Chum operations will be discussed further at the November 7 TMT meeting.

The 2001 Water Management Plan has now been finalized, said Hlebechuk, with the exception of the Emergency Protocols appendix, still under review by attorneys for the States of Oregon and Washington.

B. Independent Scientific Advisory Board (ISAB). See Agenda Item 8, below.

C. Water Quality Team (WQT). No WQT report was presented at today's meeting.

D. System Configuration Team (SCT). No SCT report was presented at today's meeting.

E. TMDL Update. No TMDL update was presented at today's meeting.

3. Discussion of Suggestions for Changes to Existing Implementation Processes and Procedures.

Silverberg noted that the goal of this agenda item is to provide a forum for discussion about ways to bring some of the region's disaffected parties back to the IT table; in particular, the state of Idaho and various tribal participants. She suggested that the group use the most recent (1997) edition of the IT guidelines as the basis for this discussion.

To help inform this discussion, Gary Sims reported on his recent contacts with the basin tribes; in particular, how the tribes felt the most recent series of Regional Executives meetings has gone. Sims worked from a series of overheads, titled "Tribal Participation -- A Summary of Discussions;" copies of which are available from him upon request at 503/230-5438 or gary.sims@noaa.gov. Among his main points:

- The purpose of the discussion was to discuss general interest in the Regional Executives meetings, as well as the outcome of the meetings held to date.
- Sims visited the following tribes: Colville, Nez Perce, Salish and Kootenai, Shoshone-Bannock, Umatilla, Warm Springs, Yakima and UCUT..

- Results: Five general themes, ten principals.
- **General Theme 1: A new process – what else is new?**
- **General Theme 2: There are 13 tribes – that means 13 chairs.**
- **General Theme 3: If you fund it, they will come.**
- **General Theme 4: Better participation through CBFWA.**
- **General Theme 5: We know IT is there, but “It” doesn’t listen to us.**
- Principal 1: Tell us what the meeting is about
- Principal 2: If we help lay the track, we may avoid a train wreck
- Principal 3: Decision-making should be an open process
- Principal 4: If you’re confused, tell us – so are we.
- Principal 5: If you want to go someplace in particular, tell us – it will make the trip easier
- Principal 6: The table must be big enough to hold everything
- Principal 7: If you want us to play, let us be on the team.
- Principal 8: If we are on the team, give us time to study the playbook.
- Principal 9: If you want us to be there tomorrow, don’t tell us today; if you have to cancel a meeting, try to avoid last-minute notice, particularly email
- Principal 10: We may be consulting, but this ain’t consultation.

In general, Sims said, there is a perception, around the region, that the Regional Forum is simply a pro forma exercise in taking non-federal input on decisions that have, in fact, already been made. In response to a request, Sims said he will send copies of his written summary of this presentation to Kathy Ceballos for distribution to the IT membership.

Silverberg then led a general discussion of the purpose and scope of the IT, noting a number of questions, comments and suggestions about the future role of the Implementation Team and Regional Forum:

- Should this be a federal process, or a process that brings the three regional sovereigns to the table for meaningful information-sharing, decision-making and discussion?
- Keep a sharp, expert focus on Hydro implementation – guard against the temptation to become “generalists”.
- Many of the themes and principals laid out in Sims’ tribal presentation are state issues as well.
- The IT’s focus should be on hydro, but IT members need to be connected to other recovery efforts and the other three “Hs”.
- The IT may have both a discussion/decision-making role and a more functional outreach and communication function to increase regional understanding of why decisions have been made – why non-federal participants feel they have been “rolled.”
- Virtually every decision the IT makes is an attempt to strike a balance – inherently, that means many participants may be less than satisfied with the outcome, because parties rarely get everything they want.
- Some of the tradeoffs that matter to people – the impacts of an operation on Native American

cultural resources vs. the importance of lower river flow augmentation – are almost impossible for a group like IT to reconcile. Still, a more global understanding of the effects of the IT’s decisions on other species and issues (recreation, cultural resources etc.) would be useful.

- Be clear when a specific law or policy is guiding a particular decision; in general, the transparency of the decision-making process needs to be improved.
- Somehow, the IT needs to take into consideration all of the relevant covenants and acts influencing fish and wildlife recovery in the region: not just ESA, but the NW Power Act, federal treaty trust responsibilities, CWA and others.
- Consider holding IT meetings in other Northwest cities in addition to Portland – in particular, Boise and Spokane – to encourage additional state and tribal participation.
- The IT provides an opportunity for state and tribal input and thorough discussion of issues to inform federal decision-making and show how that input is used in the final decision.
- There is a need for another oversight group to coordinate activities in all four “Hs.”

Nigro made the point that it is misleading to say the IT is a forum for joint decision-making – it is a process under which federal decision-making is, hopefully, fully informed. Good point, said Ruff.

Would it be useful to convene a workshop on what the federal parties view as the legal and policy constraints on the IT’s activities? Silverberg asked. I think it may be more useful to engage in a conversation about the flexibility that may exist to take other points of view into account in the decision-making process, Jim Litchfield replied.

I think it needs to be acknowledged that we have had some successes, and that the federal parties have made a good-faith effort to respect and accommodate the needs of the non-federal parties in the region, Nigro said. At the same time, however, it is obvious that the process hasn’t been as successful as everyone hoped it would be, he said, and that there is ample room to improve it. For example, said Nigro, we would like to know that, when we come to an IT meeting, the relevant decisions haven’t been made ahead of time.

The group devoted a few minutes of discussion to ways to improve the transparency of the IT process: the exchange of clear, shared information, the use of established, well-understood criteria, an explanation of the factors that have already been considered in the pre-decisional process, as well as the priorities shaping the ultimate decision.

The group also discussed the role of the Federal Caucus. One participant observed that the Caucus may be undermining the integrity of the IT process, because of the perception that it is truly a “black box” – decisions have been made in the Federal Caucus, particularly by the Federal Executives during the power system emergency earlier this year, with no opportunity for input from other regional sovereigns.

Nigro noted that a fuller explanation of the factors considered by the action agencies when they

make a decision – the arguments and points of view considered, even if they were ultimately rejected – would enhance the transparency of the IT process. Katherine Cheney cited the October 30 memo from the action agencies on the initiation of chum spawning (Enc. C) as an example of the kind of information-sharing that could be done in the future; she asked for feedback from the other IT participants as to how well this document meets the group’s needs. Margaret Filardo made the point that, in fact, this document could be taken as a prime example of the kind of “black box” or “Star Chamber” decision-making the region needs to get away from; Bill Tweit agreed, noting that the memo does not document the range of options considered in arriving at the proposed actions.

Ultimately, Witt Anderson suggested that Silverberg be asked to take a stab at revising the IT guidelines, based on this morning’s conversation. Nigro suggested Silverberg concentrate her revisions on Sections 1 and 3 of the guidelines, the purpose, scope and objectives sections. After a few minutes of discussion, it was agreed that Silverberg will distribute her revisions at least two weeks prior to the December IT meeting.

4. Five-Year Implementation Plan Update.

Anderson said the Regional Executives last met on August 1. They have been trying to meet since then to discuss state and tribal issues surrounding the five-year implementation plan and, by extension, what the federal parties have been doing in the hydro arena; however, they have not been able to find a date that works for everyone who needs to attend.

At the August 1 meeting, the Regional Executives agreed to form a steering committee, consisting of representatives from the upper and lower river tribes, NMFS, BPA, the Corps and the states, Anderson said. The assignment to this group was to tee up the outstanding issues so that the executives can have a successful discussion. The steering committee has met seven or eight times since August 1, yielding five issue papers – one on each of the Four “Hs,” and one on budget, Anderson explained.

The papers themselves identify a number of specific questions under a series of general issue statements, Anderson continued. We were supposed to have another Regional Executives meeting on October 19; that meeting was canceled, and we’re trying to reschedule it, perhaps for late this month, Anderson said. The issue papers will be discussed at that meeting.

With respect to the five-year implementation plan itself, said Anderson, the understanding, at the steering committee level, is that the plan cannot be finalized until this issues dialogue occurs at the Regional Executives level. We have received a series of comments from sovereigns and non-governmental entities on the Five-Year Plan, Anderson said; we are in the process of summarizing those comments for presentation to the Regional Executives. The long and the short of it, he said, is that the five-year implementation plan is still a work in progress.

Will you be responding to the comments submitted on the five-year plan? Nigro asked. That has not yet been decided, Anderson replied. So we shouldn't expect to see a final five-year implementation plan in the near future? Ruff asked. That's correct, Anderson replied – we have to address the various issues that are being raised by the steering committee and other commentators before the plan can be finalized.

We're also in the process of developing the 2002 annual implementation plan, Anderson said; our hope is to distribute that plan to NMFS, the Fish and Wildlife Service, the states and the tribes for comment by next week. We can have a more detailed discussion of the annual implementation plan at the December IT meeting, Cheney said.

Cheney briefly discussed the relationship between the annual and five-year implementation plans, noting that the annual plans focus more narrowly on the specific actions to be taken in a given fiscal year, while the five-year plan provides a more detailed policy umbrella for these activities. Cheney then distributed Enclosure D, a document titled "List of Action Agency Strategies and Substrategies by Category." Jim Fodrea noted that the 2002 Water Management Plan will provide further details about how the action agencies will attempt to reconcile the various, sometimes conflicting needs within the hydrosystem, from an operational standpoint.

One other piece of the puzzle, said Ruff – the annual progress reports from the action agencies are due out later this month, and will feed directly into NMFS' findings letter.

5. Discussion of Support for Additional PIT-Tagged Fish for Comparative Survival Study (CSS).

At the last IT meeting, we heard a report from the Fish Passage Center about lessons learned in 2001, Ruff said; that report included information on survival and travel time through the system. One issue that was raised was whether additional fish need to be PIT-tagged so we can continue to collect this information in the future, Ruff said; CSS is proposing an additional 150,000 PIT-tagged fish for 2002. The question that has been raised is, how can we consider this question in isolation, given all of the other PIT-tag based research programs going on in the basin? Ruff said. Also, how should priorities be set for funding this kind of research?

Margaret Filardo noted that CSS is a funded study; it has been reviewed by the ISRP, which recommended a potential expansion to include wild fish and Mid-Columbia fish. CSS has been automatically kicked into the Council's "Exceptions" process, because this would represent a large increase in the CSS program budget. The bottom line, however, is that CSS is an ongoing monitoring program, Filardo said.

The Corps' research process had considered the NMFS McNary Dam transport proposal, twice, through its AFEP, Ruff said – we didn't know that at the last IT meeting. If this transport

proposal is to go forward – and that is by no means certain, given the lateness of the hour – we would have more than enough PIT tags in the river to get the information IT wants, Ruff said.

So the Council is reviewing the CSS proposal, Filardo said; we need to convey to the Council that an ongoing program is important to us, in terms of gathering the information we need to make fish passage decisions in the future. We talked last time about drafting a letter to the Council, Filardo said; we have heard, however, that conduct of a transport study is unlikely in 2002, given the number of fish involved that need to be tagged.

Basically, said Nigro, what we talked about at the last meeting was whether or not the IT supports NMFS' writing a letter of support for the CSS study, on the basis that we should take advantage of the opportunities ongoing projects provide us to ensure that the information needed for technical decision-making, and to improve the power of the analyses done next year, is collected in a timely and efficient way.

In response to a question, Filardo said it is her understanding that the Council will make a decision on the CSS study within the next two weeks. The question, then, is how we prioritize the importance of this project, compared to other related research projects, Ruff observed. Do we want to endorse this particular project, if it means that something else goes unfunded that may be equally or more important to BiOp implementation?

After a few minutes of additional discussion, Silverberg suggested that the letter simply make the point that, in the course of its "lessons learned" discussions following the 2001 in-season management period, the IT became aware that the information gathered during these tag studies is very important to the implementation process, without specifically pressuring the Council to fund this particular program. Cheney suggested that this issue be turned over to the already-extant regional RM&E group, which includes representatives from the Council, the NMFS Science Center and the action agencies. This would be a more appropriate issue for them to deal with than for us, Cheney said; frankly, I would be more comfortable asking the RM&E group to weigh in on this issue than I would be with the IT writing a letter, she said.

Ruff noted that there seems to be general agreement among the IT membership that this is important information to be gained. Ultimately, it was agreed that Ruff and Nigro will draft a letter along the lines of the one suggested above by Silverberg; this letter will be circulated for IT review swiftly, because it will need to be submitted to the Council and to the regional RM&E group within the next week.

So if the Council approves this study, said Ruff, the CSS-marked fish would be coordinated with NMFS and could be used in the transport study? That's correct, Filardo replied – a portion of the CSS fish would go into barges, and a portion will stay in river. In response to a request, Cheney said she will invite some of the members of the regional RM&E group to the next IT meeting, to give the

group a more detailed explanation of what the RM&E group is working on.

6. Presentation on VAR Q NEPA Analyses.

Fodrea distributed Enclosure E, a timeline for the development of the VAR Q EIS. The bottom line, he said, is that the final VAR Q EIS is expected by the summer of 2004, with the implementation of the selected alternative scheduled for the winter of 2005. While Reclamation is looking for opportunities to shorten that timeline, he said, few such opportunities have been identified to date. There have been two VAR Q scoping meetings to date, one last week at Grand Coulee, and one last night at Newport, Washington, attended by more than 80 people. The potential for increased flooding is the big concern there, in the Pend Oreille system, Fodrea explained. There will be an agency VAR Q scoping meeting on November 8 at the BPA auditorium, followed by another public meeting that night. Three meetings in Montana, on November 13 at Libby, November 14 at Kalispell and November 15 at Libby, will round out the scoping meetings.

Ruff noted that both NMFS and the Fish and Wildlife Service are pushing the action agencies to complete the EIS process, and get VAR Q implemented in a more timely fashion, more along the lines of the schedule called for in the BiOp. In other words, he said, in the interest of full disclosure, I wanted to make it clear that the federal parties are not in unanimous agreement about the appropriateness of this proposed timeline for VAR Q implementation.

7. Schedule and Process for the Council's Mainstem/Systemwide Provincial Review.

Ruff reported that he and John Palensky had attended yesterday's meeting to kick off the rolling provincial review process for mainstem and systemwide projects; he distributed Enclosures G and H, copies of a presentation on the rolling review process, and a list of the specific projects covered under the mainstem rolling review process, respectively. Ruff also distributed a schedule for the FY'02 rolling provincial review process, noting that program summaries are due to CBFWA by January 11, 2002. Ruff noted that Attachment C in Enclosure G shows an example of the format to be used for these program summaries.

Mainly, said Ruff, this is FYI; it may make sense to include an update on this topic on the December 6 IT meeting agenda. It was so agreed. Palensky noted that this should be important to the IT membership because it is the equivalent of a subbasin summary for the mainstem; the process will include a heavy emphasis on coordination. It was noted that anyone with a vision as to what these programs should look like in the future should plan to participate in the rolling review process. Ruff added that it will be important to identify all of the Corps-funded research programs to ensure that it is at least referenced in the provincial review.

8. Presentation on ISAB Report “A Review of Salmon Recovery Strategies for the Columbia River Basin.”

Dr. Pete Bisson briefed the TMT on the contents of the recent ISAB report, “A Review of Salmon Recovery Strategies for the Columbia River Basin.” Bisson went through a series of overheads (available as Enclosure I); he noted that the presentation is simply a condensation of the report itself, which is available via the Council’s website.

Bisson noted that the ISAB developed this report on their own initiative, after it became clear, during a retreat last fall, that no one was undertaking a comparative analysis of the four major salmon recovery documents released last year – the Council’s 2000 Fish & Wildlife program, the All-H Paper, the 2000 BiOp and the Four Northwest States’ Governors’ Plan. It was equally clear, said Bisson, that such an exercise could be of service to the region.

Bisson touched on the scope of the review (the traditional Four Hs, plus modeling and monitoring, climate and hydrology, and institutional arrangements). He then moved on to overall conclusions:

- The four papers represent a realistic assessment of the problems facing salmon recovery in the Columbia River Basin
- There is consistency in many of the kinds of recovery actions proposed in the documents
- The scientific foundation for those actions is generally sound

But, said Bisson...

- Recovery documents containing explicit and quantified details are needed so that their sufficiency can be evaluated . We believe the four documents, collectively, fall short of providing this detail.

Moving on, Bisson touched on two positive trends that distinguish these strategies from their predecessors:

- They tend to reflect a functional ecosystem approach to salmon recovery.
- They make use of quantitative models to assess recovery actions, determine jeopardy, and to evaluate management alternatives.

He then offered the following overall finding:

- ***The ISAB believes the overall answer to the question of whether or not the four documents will lead collectively to salmon recovery actions that have a high chance of succeeding is probably no***, although we do not wish to diminish the scientifically sound recommendations contained in each of them.

The next overhead, titled “Why did the ISAB feel that way?”, offered the following observations:

- We reached this conclusion for reasons that hinged on data gaps, conceptual gaps, program integration and implementation of recovery actions.
- Important scientific data necessary to resolve critical uncertainties still have not been obtained.
- Shortcomings in program integration and implementation, inadequately addressed in the documents, are particularly troublesome because of the lack of clear institutional arrangements to carry the programs out.
- Failure to clearly specify how recovery strategies would be coordinated is a problem these documents share with many previous Columbia River Basin salmon plans.

Moving on to data gaps, Bisson noted that

- Management organizations have often failed to establish historical population and environmental databases
- Future comparisons will have difficulty discerning whether population trends are due to real changes caused by management actions, changes in the environment unrelated to management actions, or just reflect the inaccuracy of historical estimates
- To assume that monitoring strategies can be implemented in time to assess real changes in the time-frame proposed in the Biological Opinion is unrealistic.

Bisson then touched on various conceptual gaps (in the realms of hatchery reform, climate and demographic trends, tributary habitat and harvest) cited by the ISAB report (please refer to Enclosure I for details). Next, he moved on to implementation:

- Implementation – the level of cooperation between state agencies, tribes, federal agencies and private landowners needed to achieve salmon recovery in the Columbia River Basin is unprecedented. The documents do not explain how this cooperation would be achieved.
- Details of implementation are often lacking. In many instances, the four documents propose “plans to do the planning,” assuming details will be worked out some time in the future in spite of the fact that it has not been possible to work them out in the past.
- The documents do not provide strategies for dealing effectively with limited knowledge and high uncertainty in an adaptive management context. Not acting is a decision that places the burden of proof on action agencies.
- None of the documents adequately explain the procedures and circumstances that would trigger a departure from their recommendations.

Next, Bisson devoted a few minutes of discussion to some of the specific ISAB conclusions about various components of the four plans – mainstem habitat and passage, the distribution of the

action items in the BiOp, tributary habitat, hatcheries, harvest, models, monitoring and evaluation, climate, hydrology and water resources, and institutional arrangements (please refer to Enclosure I for details). Bisson also touched on some of the areas of consistency among the four plans, as well as some of the shortcomings they display in linkage, integration and coordination.

In summary, said Bisson, we saw the following major areas as needing attention:

- More and better scientific data
- Clearly-defined conceptual foundations
- Improved integration of recovery programs for each H
- More effective implementation through improved coordination and planning

The group devoted a few minutes of discussion to the ISAB's conclusions regarding the Four Governors paper, with more than one participant noting that this paper was conceptually different than the other three.

Your report points out a number of problems, Nigro said – does it make any specific recommendations about how to solve them? Good question, Bisson replied – the short answer is, the ISAB has to tread the line between science and policy very carefully. We would like to convene an artificial production workshop in the next year to get at some of the key questions in the hatchery realm, Bisson noted, such as the importance of hatchery/wild interactions. The bottom-line answer to your question, however, is probably no, Bisson said – the report does not contain any specific suggestions as to how the situation can be improved.

The other bottom line, said Bisson, is that I doubt there is another region in the country that has a more complex recovery problem to deal with. Any insight the ISAB and other science groups can give us about other models from elsewhere in the country that might be helpful to us would be appreciated, Nigro said.

9. Next IT Meeting Date.

The next Implementation Team meeting was set for Thursday, December 6 from 9 a.m. to noon at NMFS' Portland offices. Meeting notes prepared by Jeff Kuechle, BPA writer-editor pool.